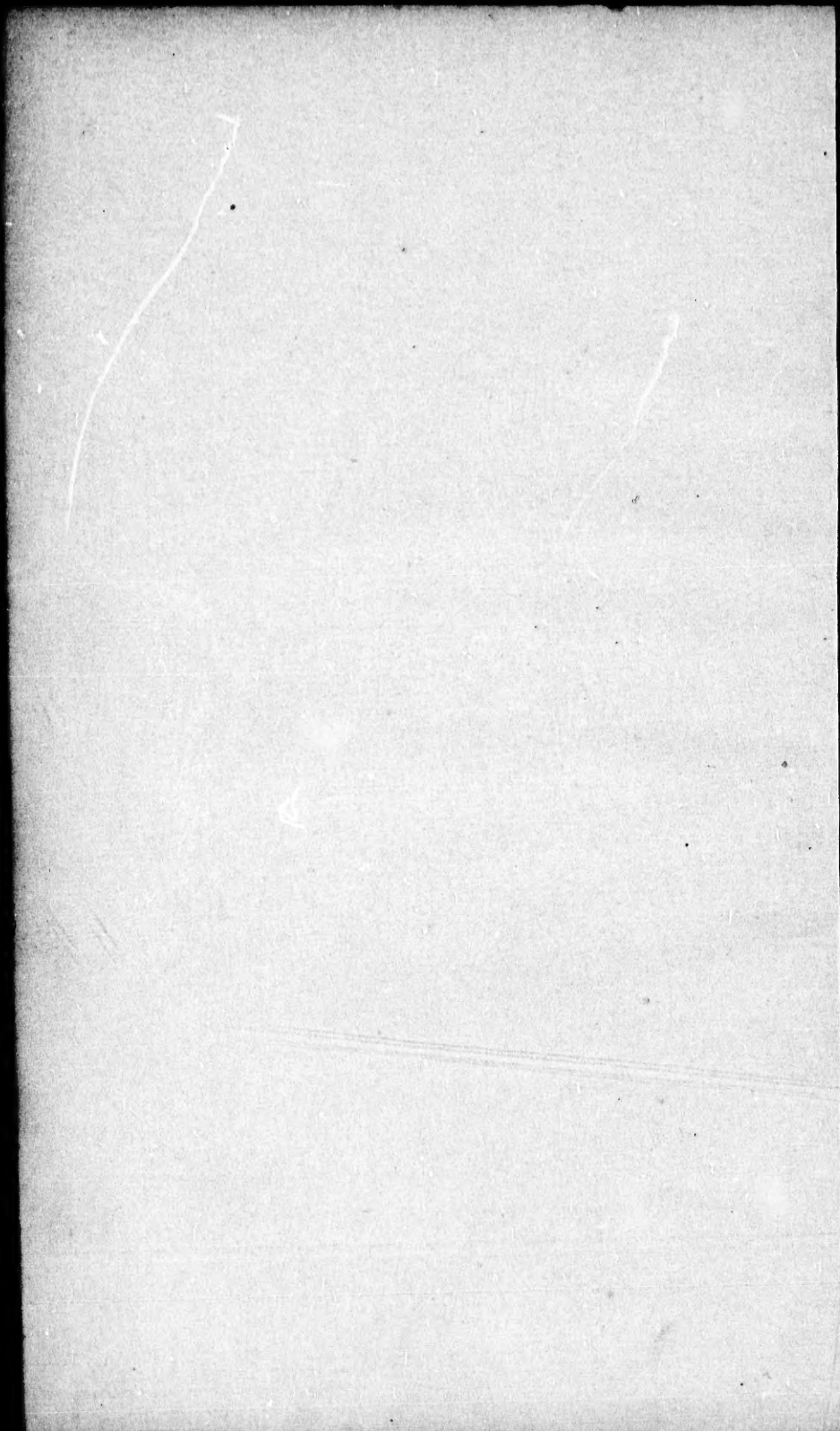




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LETTER

FROM A

West-India Merchant

TO A

Gentleman at *Tunbridg*,

CONCERNING

That Part of the *French PROPO-*
SALS, which relates to *North-*
America, and particularly *New-*
foundland.

WITH

Some Thoughts on their *OFFERS*
about our Trade to *Spain* and the
West-Indies : And an Abstract of the
ASSIENTO.

LONDON, Printed in the Year 1712.

Price Four Pence.

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Printed by J. W. Smith

SIR,

I Receiv'd yours, wherein you tell me that several of our Merchants are mightily pleas'd with the Proposals of France, to restore to us the whole Island of St. Christopher, the whole Bay and Straits of Hudson; to deliver up the Island of Newfoundland, with Placentia, and to make an absolute Cession of Annapolis, with the rest of Nova Scotia or Acadie; and the Assiento or Contract for furnishing the Spanish West-Indies with Negro's for 30 Years, in the same manner as the French have enjoy'd it for Ten Years past.

I make no doubt but some People magnify the Advantage of these Proposals as much beyond Truth as others do lessen them: But since you are pleas'd to desire my thoughts of the matter, I will deal with you freely, according to the best of my Judgment and Information.

All that they propose to restore us in America, was our own before, except part of St. Christopher's, which we took from them in this War, and therefore have a Right to it by the Law of Arms: so that our Obligation to them on this Head is not extraordinary.

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You will be the more readily convinc'd of this, by considering the following Passages of King *William's* Declaration of War against *France* in 1689. where he charges the *French King* with ' invading our *Charibbee* Islands, and possessing himself of our Territories of *New-York*, and of *Hudson's-Bay*, in a hostile manner; seizing our Forts, burning our Subjects Houses, and enriching his People with the Spoil of their Goods and Merchandizes; detaining some of our Subjects under the Hardship of Imprisonment, causing others to be inhumanly kill'd, and driving the rest to Sea in a small Vessel, without Food and Necessaries to support them; actions not becoming ev'n an Enemy: And yet he was so far from declaring himself so, that at that very time he was negotiating here in *England* by his Minister, a Treaty of Neutrality and good Correspondence in *America*.

I believe you will readily agree with me, that the *French King's* Cession of his share of *St. Christophers*, is not an Over-balance for the Damages he is charg'd with doing us, in this Declaration; which contains another Article relating to *Newfoundland*, as follows.

' It is not long since the *French* took Licenses from the *English* Governour of *Newfoundland* to fish in the Seas upon that Coast, and paid a Tribute for such Licenses, as an acknowledgment of the sole Right of the Crown of *England* to that Island; and yet of late the Incroachments
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‘ of the *French* upon our said Islands, and our
 ‘ Subjects Trade and Fishery, have been more
 ‘ like the Invasions of an Enemy, than be-
 ‘ coming Friends, who enjoy’d the Advan-
 ‘ tage of that Trade only by Permission.

For the better understanding of this mat-
 ter, be pleas’d to consider, that we have
 had a Title to it since 1497. when *Sebastian*
Cabot discover’d it for *Henry VII.* We had
 a flourishing Trade there in King *James I’s*
 time, and enjoy’d it without any Rival till the
 ninth of *Charles I.* who by some means or
 other was prevail’d with to allow the
French to fish there in favour, as I have
 been inform’d, of some *English* Popish La-
 dies that belong’d to a Nunnery in *France*;
 and the *French* Ships were oblig’d to pay
 5. per Cent. as an Acknowledgment.

This Liberty granted the *French* was so
 much the more observable, because that
 Prince in his Letters Patent dated the 10th
 of *February* that same Year, for the better
 Government of the Fishing, Ships, Inhabi-
 tants, &c. takes notice, ‘ That *Newfoundland*
 ‘ had been acquir’d to the Dominions of
 ‘ his Progenitors, and his People had many
 ‘ Years resorted to those Parts; where, and
 ‘ on the Coasts adjoining, they imploy’d
 ‘ themselves in fishing, &c. whereby a great
 ‘ number of his Subjects had been set at work,
 ‘ and Navigation and Mariners much in-
 ‘ creas’d.

The Allotment granted the *French* for cu-
 ring their Fish was to the Westward of Cape
Raze; which was a very great blunder in

Politicks, that being the most Southerly Part of the Island, where the Fish come six weeks sooner than any where else, and gave them an opportunity of being at Market so long before us.

The *French* having then but few Ships, and King *Charles I's* Reign being a continu'd Scepe of Troubles, as every one knows, this Matter seems not to have been so much regarded as the Importance of it requir'd; so that the *French* tasting the Sweets of the Trade thither, they were willing, for the continuance of that Privilege, to pay sometimes three Quintals of Fish for every Fishing-Boat they imploy'd, and at other times 10 per Cent. according to the Value of the Fish they took. It deserves our Observation, that as they obtain'd the first Liberty of Fishing here in the Reign of *Charles I.* when we had a *French* Queen, who had too much Influence on our Government; in the 27th of King *Charles II.* who we found by sad Experience was for the most part govern'd by *French* Councils, they not only had that Liberty confirm'd, but their former Tribute, in acknowledgment for that Liberty, remitted.

We are not to wonder that those Grants were confirm'd in the Reign of King *James the Second*, who entirely depended on *France*, and was in a strict Alliance with *Lewis XIV.* But upon the whole you may see, that the *French* were so sensible of the Weakness of their Title, that they found it necessary to

to get this Liberty confirm'd by every successive King some way or other.

Thus things continu'd till the Reign of King *William* the Third of Glorious Memory; who being sensible of the vast Importance of this Trade, was so far from confirming those *French* Grants, or approving the arbitrary Measures of his Predecessors in disposing any part of it to Aliens, contrary to Law, that by the 10th and 11th of his Reign, cap. 25. he settled the whole Right of it in his own Subjects, exclusive of Aliens, as follows.

Whereas the Trade of, and Fishing of *Newfoundland*, is a beneficial Trade to this Kingdom, not only in the employing great Numbers of Seamen and Ships, and exporting and consuming great Quantities of Provisions and Manufactures of this Realm, whereby many Tradesmen and poor Artificers are kept at work, but also in bringing to this Nation, by returns of the Effects of the said Fishery from other Countries, great Quantities of Wine, Oil, Plate, Iron, Wool, and sundry other useful Commodities, to the Increase of his Majesty's Revenue, and the Incouragement of Trade and Navigation: Be it enacted, &c. That henceforth all his Majesty's Subjects, &c. shall have, use and enjoy the free Trade and Traffick, and Art of Merchandize and Fishery to and from *Newfoundland*, and take Bait, and fish in any of the Rivers, Creeks, Seas or Islands adjoining or adjacent thereunto, as fully and freely

' freely as at any time heretofore hath been
 ' us'd or enjoy'd by any of the Subjects of
 ' his Majesty's Royal Predecessors, without
 ' any hindrance, &c. of or from any Person
 ' whatsoever; and THAT NO ALIEN OR
 ' STRANGER WHATSOEVER (not re-
 ' siding within *England*) shall at any time
 ' hereafter take any Bait, or use any sort of
 ' Trade or Fishing whatsoever in *Newfound-*
 ' *land*, or in any of the Islands or Places a-
 ' bovemention'd.'

I need not tell you that the *French*, by the
 Incouragement they had to settle here in
 the Reigns of the two *Charles's*, and King
James the Second, instead of being Tributaries
 as formerly, took upon them to be
 our Masters, and were grown so strong, that
 during the first War, and particularly in
 1697. they almost drove us out of all our
 Settlements there, and destroy'd or carry'd off
 our Men. To redress which King *William*
 sent a Squadron thither under Admiral *Nevil*
 in 1697. and fifteen hundred Landmen un-
 der Sir *John Gibson*. They recover'd all that
 the *French* had taken from us; and when the
 Peace was concluded, his Majesty knew the
 Trade to be of such Importance, that he
 sent annually a Squadron thither to protect
 it. Sir *John Gibson* built a regular Fort there,
 which he call'd *Fort William*; and it was af-
 terwards so improv'd by Colonel *Richards*, that
 it is one of the most regular and strongest
 in that place.

'Tis a melancholy Story to tell you how
 much *Newfoundland* was neglected after King
William's

Williams's Death, and how in 1705. the *French* destroy'd several of our Settlements there, and carry'd off our Men; and how little Care was taken to prevent this, notwithstanding the frequent Memorials presented by those concern'd in the Trade.

Having thus given you a brief View of our sole Right to *Newfoundland*, and of the false Steps of three of our successive Monarchs, in suffering the *French* to settle there, to the infinite Loss of our Nation: I shall next give you some few hints of the vast Advantage the *French* have reap'd by that Trade, both in respect of their Wealth and Naval Power.

I told you before, that when the *French* begun trading hither they had very few Ships, but since that time their Naval Force is so much increas'd, that, to the unspeakable Grief of all honest Men, as well as to the Terror and Danger of all *Europe*, we have seen them able to contend at Sea with the United Naval Powers of *England* and *Holland*. Nor are we to wonder at this, for of late years they have employ'd in the *Newfoundland* Fishery 4 or 500 Sail of Ships per ann. of good Burden, and mounted from 16 to 40 Guns each. If we compute them, as we may modestly do, to be man'd with 30 or 40 Men per Ship, that will amount at a Medium to 16000 Men employ'd annually in this Trade; and one fourth of those being usually green Men, it proves a Nursery of 4000 Seamen per ann. for their Men of War and Privateers.

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Then as to the Advantage they make by their Trade thither, it has exceeded ours by far; the Reasons of which are as follow.

1. That part of *Newfoundland*, which our late Governments unhappily admitted them into, is much better than what we kept to our selves during those Reigns: for lying furthest S. as I hinted already, their Seas are clear of Ice at least six Weeks before ours, where the Shoals of Ice continue many times till the beginning of *May*.

2. In their part they have greater Quantities of Fish, because the Climate is much warmer than ours, which lies to the N. E. so that 'tis computed, that one time with another they kill 1 or 200 Quintals per Boat more than we.

3. They have a shorter Voyage from the West Parts of *France* than we, have Salt better and cheaper, pay less for Seamen's Wages and Provisions, and have so much Fishing Tackle at easier rates; so that by modest Computation they can afford their Fish a Crown per Quintal cheaper than we, which with their being at market before us six Weeks sooner is worth five Shillings per Quintal more to them: and since we reckon fifteen or sixteen Shillings per Quintal a good Price for our Fish, 'tis plain that they gain $\frac{1}{2}$ more by what they sell than we do, besides what they exceed us in Quantities, which they must do now more than ever, by being possess'd of *Spain*, where their supreme Command in the Civil Government, and their Agreement in Religion, must always give them the preference

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ference to us, If they be allow'd to fish on the Coast, or to cure on the Shore or Settlements of *Newfoundland*, or any of the adjacent Islands.

By what I have said you may easily perceive the vast Profit the *French* have reap'd by that Trade, and the great Disadvantage we have labour'd under by losing it. Our Western Ports, such as *Barnstable* and *Biddisford*, are most sensible of this damage, tho the Loss affects all the other Parts of the Kingdom. 'Tis known that those two Towns alone did formerly imploy above 50 Ships in that Trade, which enabled them in the beginning of King *William's* Reign to supply the Navy with 400 Volunteer Sailors: whereas now they don't fit out above six or eight small Ships, and are scarce able to find Men for these. The like Decay of Sailors there is in all the other Ports of the Kingdom, which lessens our Naval Strength that is our Natural Defence, lessens the Revenue of the Crown, and the Value of Gentlemens Estates.

From all this you may reasonably conclude, that 'tis absolutely necessary the greatest Care should be taken in the present Treaty, that the *French* should not only quit *Newfoundland* entirely, but that they should not have the Liberty to fish on that Coast, to cure their Fish on the Island, or to fortify any of the Neighbouring Islands.

You find this was the Sense of King *William* and his Parliament by the abovemention'd Act, therefore I don't see how any such Pri-

vilage can be granted by Treaty to the *French* without the repealing of that Act, which I hope no *British* Parliament will ever give into.

My Reasons are these:

1. 'Tis plain by what I have already said, that they never had any Right to it, but what by indirect Methods they obtain'd from the Crown of *Great Britain*, which is now made void by that Statute, or what they procur'd by the Sword: and as we are now superior to them in that respect, I hope we ever shall be so.

2. If they be allow'd the Privilege of fishing and curing on the Coast, either it must be indefinite, or restricted to such and such Parts. If the former, then to be sure they will chuse the same Places they now make use of; which being the best of the Island, they will have the same Advantages over us they now enjoy, and so the Cession can signify nothing to us, but on the contrary will make our Trade worse than it is: for if they be allow'd the use of our Harbours and Ports, they will furnish our Settlements there with several sorts of *European* Goods, cheaper than we can do; which will ruin the Trade that we had by furnishing our own Settlements, considering, as I hinted already, that their Voyage is shorter, and they victual and sail at lower rates; which, together with their having the Liberty of our Harbours while we are at the Charge of the Forts, and the better vent they must now have for their Fish by being Masters of
Spain,

Spain, will enable them to outsell us, tho we fish and cure in the same Parts: besides, by having the Freedom of our Ports, &c. 'twill minister continual Occasions of Quarrel betwixt our People and theirs, and in case of any future Rupture, which we can't expect will be long a coming with a People of such an unconstant Faith, 'twill make them capable of surprizing our Settlements, and of driving us out of them, as they have done already; so that I hope we shall never willingly make another Experiment of such troublesome Neighbours.

Then if they be restrain'd to other places worse than those they now frequent, the Trade will be of little use to them; for we having the same Advantage of being sooner at Market, and of the best Harbours which they now have, shall be able to outsell them; so that we can't expect the Friendship betwixt us to be durable in either Case. Therefore I think 'tis reasonable to conclude, that they must not be allow'd either to fish or to cure in or near *Newfoundland*, or the Islands thereunto belonging.

I have heard that the *French* demanded not only a Privilege to fish in the Sea of *Newfoundland*, and to cure their Fish on the Coast as hitherto, but likewise that all the Fortifications there should be demolish'd; that no others should be erected there, or on any of the adjacent Islands; and that they should have liberty to make a Settlement, and raise Fortifications on the Island of *Cape Breton*. But I hope neither of these will ever be grant-

up them. Not the first, because without Forts we can't defend our Settlements, either against the *French* in case of a new Rupture, or against other Nations or Pirates, who may settle there, if there be no Forts to hinder them; so that we may be outed at pleasure: therefore the very Proposal looks with so much of an ill design, and is so dishonourable, that I don't see how any Englishman can hear it without emotions of Anger and Contempt.

As to the 2d: If that be granted, we had as good leave them *Newfoundland*, *Accadie*, &c. intire to themselves; for this Island of *Breton* is separated from *Accadie* only by a narrow Channel, and lies so near *Newfoundland*, that if the *French* be allow'd to settle and fortify there, they may when they will, command both, and by the help of their *Canada* Indians, dislodg us when they please. Besides, by fortifying *St. Peter's Island*, which lies at the N. W. corner of the Bay of *Placentia*, they not only make that Bay useless to us, but may be able to protect their own Ships which fish and dry there, or sail into *Canada River*. And if they be allow'd to settle at *Petit Nord*, which extends from Cape *St. John* N. of *Bonavista*, to Cape *Hamilton*, the most Northerly Point of *Newfoundland*; this being the Place us'd by the *St. Malo's* ships, which are the greatest they employ in the Trade; they will have the same Advantage there they ever had, and greater: because that being the shorter Passage to *Canada*,

nada, they can more easily call in their *Canada* Indians.

By all this 'tis plain, that when they demand the Isle of *Breton*, with le. e to fortify there, they demand the Key of the whole Country; for the Harbour at the Cape is large and commodious, for entertaining great numbers of Ships. The Place is naturally capable of being well fortify'd. The Island is about 60 Leagues long, 10 or 12 broad, about 140 in Circuit; abounds with Pines and Firs proper for Masts, &c. And here they may erect a Fishery for dry Fish, which are to be had more early, and in greater Plenty at this Place than in *Newfoundland*: and by its situation is not only capable, upon any Rupture, to destroy our Trade, but to disturb our fishing on the Coast of *New-England*; which is of very great importance.

Besides, there's a visible Chicane in the Proposal; for according to the Commission given to the *French* Governour, when we took *Annapolis Royal* from the *French*, the Isle of *Breton* was included in *Nova Scotia*, which they propose now to surrender: And according to our own accounts, and the above-mention'd Act of King *William*, *Breton* and all the other adjacent Islands to *Newfoundland*, are our own properly, exclusive of Aliens.

There's also an evident Chicane in the Proposal of *Accadie*, or *Nova Scotia*, whose boundaries ought to have been ascertain'd for avoiding of Controversies about its Limits in time to come; and so much the rather, that the *French* have always been dangerous

gerous Neighbours to *New-England*. *Sebastian Cabot* was the first who discover'd that Country for us; and the first *Virginia* Company reckon'd it part of *N. Virginia*, and that all was their own which they could discover to the Northward, and was not possess'd by any other *European* Nation. Besides, by King *James I's* Patent of his Country to Sir *William Alexander*, afterwards Earl of *Sterling*, he had a Grant of all the Lands and Islands, Rivers, Bays, &c. beyond *Cape Sable*, about Lat. 43. from the Equinoctial towards the North, and from the said Cape all along the Shore Westward to *St. Mary's Bay*, and then towards the North, crossing that great Bay which runs Eastward betwixt the Countries of the *Suriquois* and *Etechemines* to the River of the *Holy Cross*, and to the remotest Fountain or Spring of it Westward, that first mixes with the said River; and from thence by an imaginary direct Line Northward, to the next Bay, Spring, or River, that falls into the great River of *Canada*; and from the said River Eastward along the Shore of the said River to the Port or Harbour of *Gacbepe* or *Gaspie*; and then towards the South East to the Islands of *Cape Breton* or *Bacalos*, leaving the said Islands on the Right, and the Gulf of the great River of *Canada* and *Newfoundland*, with the Islands thereto belonging, on the Left; and from thence to *Cape Breton* about the Latitude of 45. and from the said Cape to the S. and W. to the abovemention'd *Cape Sable*, where the Boundary begins, including betwixt the said Coasts and their

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Circumferences all the Lands of the Continent, with their Rivers, Brooks, Bays, Shores, Islands or adjacent Seas, within six Leagues of any part of them, to the West or East-Part of the Coasts, and their Precincts; and from the South-East, as Cape *Breton* lies, and the West-Part of the same where Cape *Sable* lies, all the Seas and Islands within 40 Leagues of the said Coasts, including the Great Island call'd the *Isle of Sable*, or *Sablon*, lying towards the S S E about thirty Leagues from the said Cape *Breton* in the Sea, about Latitude 44. So that nothing can be more plain, than that the *Isle of Cape Breton* is included in this Grant, and that the Boundaries of *Nova Scotia* are very exactly describ'd. From whence I think 'tis just to infer, that the *French* must be more particular in their Proposals, and not leave a thing of this Consequence ambiguous; otherwise her Majesty being now in possession of *Annapolis* by her Arms, I hope we are in a condition to do our selves Justice.

The next thing to be consider'd is our Trade to *Spain* and the *Spanish West-Indies*; and as to this, I understand the *French* propose we shall have it on the same foot as we enjoy'd it in the Reign of K. *Charles* the Second of *Spain*.

But I am of Opinion that this Proposal is very ambiguous, and may be liable to many Difficulties, that ought to be explain'd in as strong Terms as we can.

In order to understand this, you ought to consider, that in *Spain*, as in other Trading Countries,

Countries, there's a Book of Rates, which fixes what is to be paid on all Goods imported and exported, and is a Rule for the Merchants and Officers of the Customs.

Now the *Spanish* Book of Rates is very high, and in some Species of Goods amounts to no less than a Prohibition; and this Book not having been alter'd for many Years, Goods which formerly yielded double the Price there they do now, are still liable to the same Duties, tho they be sunk to half the Value.

To prevent this Inconveniency to our Traders thither, King *Charles* the Second, standing in frequent need of our Assistance, he abated us 25 per cent. of the Customs, which was call'd the King's *Gratia*, and oblig'd the Farmers to abate us from 25 to 40 per Cent. more. Therefore to tell us that we shall enjoy the Trade to *Old Spain*, on the same foot we enjoy'd it in King *Charles* the Second's time, is liable to a terrible Chicanery, amounting to no less than a Prohibition, except we be positively assur'd of the same Abatements by the King and the Farmers, or that the *Spanish* Book of Rates be so alter'd, as the Customs on every Species of *British* Goods may be adjusted, so as our Merchants may trade thither with Safety, and a Prospect of Advantage; otherwise, at the Instigation of the *French*, they may impose the old Book of Rates upon us at any time, which puts an end to all our Trade thither, and particularly to that from *Newfoundland*.

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Then as to our Trade to the *West-Indies*, if there be on the *State* fort as in the time of King *Charles the Second*, 'twas no other wise than this: Our Goods were first carry'd to *Cadix*, ship'd off there annually in their Gallies, either in the name of *Spanish* Factories, or sold at *Cadix* to the *Spanish* Merchants, who sent them to the *West-Indies* on their own Risque; and in return we had Gold, Silver, and other valuable Commodities. But this, in my Opinion, is very much short of what King *William* stipulated for us by the 4th Article of the 2d Grand Alliance, viz. That it should be lawful for us, in order to enlarge our Navigation and Commerce, to seize by Force what Lands and Cities we could of the *Spanish* Dominions in *America*, and to possess them as our own. Therefore, in my Opinion, we ought to have some Ports allow'd us in *Chili* and *Peru*, if not elsewhere in the *North Sea*; otherwise we are as much restrain'd in our Trade to the *West-Indies* as ever; and the Restrictions were so severe, that our Ships could not so much as put in there, tho' forc'd by stress of Weather or Enemies, but in such and such numbers, and to stay no longer than was necessary to refit, without any liberty at all to trade, as may be seen by our Treaties of Commerce with *Spain*. So that our private Traders from *Jamaica*, &c. who ventur'd to the Coasts on the *North Sea*, did it at the risque of their Ships and Goods, and of having all their Men made Slaves; nor durst the Natives or other Inhabitants

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trade with us but at their utmost Peril, their Prohibition-Laws are so Very severe.

Besides, it ought to be consider'd, that by the 8th Article of the second Grand Alliance, the *French* were excluded from trafficking directly or indirectly to the *Spanish West-Indies*; whereas they have now a fixed Trade thither, by which they have already gain'd annually some Millions Sterling. So that there's a very great Difference betwixt what the *French* propose to us now, *viz.* That we shall have the same Privilege of Trade to the *West-Indies* that other Nations have had and shall have, and the above-mention'd Article which excludes the *French*, since they are not only settled there, whereas we are to begin, but the Supreme Government is in the House of *Bourbon*, and all the Viceroy's and Governor's of the Ports, &c. are of their Nomination. So that we can never expect the same Privileges with the *French*, who are of the same Religion with the *Spaniards*, and have the Supreme Government over them, which they will exert in another manner than hitherto, when *Spain* and the *West-Indies* are secur'd by Treaty to King *Philip*. Therefore I am of Opinion, that we ought to demand an Equivalent for the 6th and 8th Articles of the second Grand Alliance above-mention'd, and for what was stipulated by General *Stanhope* with King *Charles* the Third, in relation to our Commerce with *Spain* and the *West-Indies*. And since her Majesty has again and again declar'd, that her best Endeavours should

should be employ'd to procure a just Satisfaction to all in Alliance with her, according to their several Treaties, and particularly with relation to *Spain* and the *West-Indies*; there's no doubt but it will be the fault of our Merchants, in not representing the Matter fully, if her Majesty don't procure Satisfaction on that Head to her own Subjects, according to the above-mention'd Alliances in our favour, with respect to the Trade of *Spain* and the *West-Indies*.

I come now to the *Affiento*, or Contract for furnishing the *Spanish West-Indies* with Negroes; which 'tis propos'd we shall enjoy for thirty years, in the same manner as the *French* have enjoy'd it for ten years past.

We ought to take special Care not to be impos'd upon in this matter by the *French* and *Spaniards*, and to have the Terms of that Contract set down in as plain and express Terms as possible. In order to give you as much light into that matter as I can, I shall lay before you an Abstract of the Contract with the *French*.

'Twas made with Monsieur du Cassé, Governor of *Petigua*, in the Jurisdiction of the Island of *Hispaniola*, for himself, and in the name of the *French Royal Guinea Company*; who,

1. Were permitted by the Kings of *France* and *Spain*, for the mutual Advantage of them and their Subjects, to import annually from the 1st of *May* 1702. to the 1st of *May* 1712. 4800 Negroes of both Sexes and of all Ages, but none from *Minas* or *Cape Verd*.

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2. They

2. They were to pay for all Duties 33 1/2 Crowns of Plate, of the Value of three Livres French per head for each Negro, of the regular Measures of these Provinces.

3. The Company were to advance 600000 Livres at two Payments; the first within two months after the King of Spain's Ratification, and the second in two months more: which was not to be reimburs'd to the Company till the two last years of the Contract, when 'twas to be repaid, with the Customs and Advantages according to the King of Spain, as hereafter mention'd.

4. The Money to be paid at *Madrid* or *Paris*, as the King of Spain should chuse; and the like as to the Customs, for the greater Benefit of the King of Spain, notwithstanding its being payable in *Inde* by Obligation.

5. The Customs to be paid from six months to six months, from the 1st of Sept. to the end of the time, only for each 4000 Negroes, that for the 800 odd being remitted during the said ten years, in consideration of the Payment made at *Madrid* or *Paris*, for the greater Advantage of the King of Spain's Treasury.

6. If the War continu'd during the ten years, the Company were not oblig'd to import above 3000 Negroes *per ann.* and the remaining 1800 to be imported in the following years; and if the 3000 can't be compleated, Customs to be paid for the same, deducting those that fall short: notwithstanding which, the 100000 Pieces that the Customs

some of the said 3000 amount to, shall be paid from six to six months during the War; and if above 3000 be imported, they are to be paid for as above.

7. If a *Pesca* happen, the Company shall not be oblig'd to import the 4000 every year, because of Accidents that may intervene; but shall pay the Customs for 4000, as if they were imported.

8. The Ships shall be the *French* Company's, or *Spaniards*, at the Option of the Company; and if they use others, they shall all be Roman Catholics: or if the Negroes be imported by Ships of any Nation in Amity with *Spain*, into the *North Sea-Ports*, the Captain and Crew must be Roman Catholics.

9. Negroes may be imported and traded for in all the Ports of the *West-Indies*, his Catholick Majesty dispensing with the Laws to the contrary; but no Negroes shall be landed where there are no Royal Officers to search the Ships, and certify what Negroes are imported. The Negroes carry'd to the Islands of *Barlovento*, *Cumana* and *Maracai-bo*, shall not be sold by the Company for above 300 Pieces each, and as much lower as possible, for the Relief of the People; but in other Parts of *New Spain* and *Terra Firma*, they may sell them for the most they can.

10. They may import Negroes to all the Ports on the Northside of *America*, and to *Buenas Ayres*; and annually use two Ships for that end, capable of containing from 700 to 800 Negroes of both Sexes, which they may sell

sell for what they can, but no greater Number must be landed than 500 or 600.

11. For carrying Negro's to *Pera*, the Company may build, in exchange for Negro's, or otherwise, in *Panama* or other Ports of the *South-Sea*, two Frigates or Vessels of 400 Tons, and bring in return Fruits, stamp'd Bars, and Wedges of Gold Custom free. And the Company may send from *Europe* for *Puerto Velo* or *Panama*, Necessaries for building those Ships only; but the said Necessaries are not to be sold or traded for on pain of Confiscation, and the Buyers and Sellers to be punish'd, and from thenceforward this Permission to cease. And when the time is expir'd, the Company shall not use the said Ships, or send them to *Europe*, but be oblig'd to sell, alienate, or give them away.

12. The Company may use *Frenchmen* or *Spaniards* for this business in the Ports or Inland parts of *America*; his Catholick Majesty for that end disannulling the Law against Foreigners, provided that in no Port of *India* above 4 or 6 *Frenchmen* shall go up the Country for the conveniency of the Company, and carrying on this Undertaking: and the *French* are to be treated as *Spanish* Subjects, without being disturb'd by any Officer of what degree or quality soever, on any pretence; unless they act contrary to the Laws of the Place and this Agreement.

13. The Company may nominate in all the principal Ports and Places of *America*, Judges Conservators (but no Royal Officers) to determine all Causes of the Company, with which

which the Viceroy, or other Tribunals are not to meddle; but Appeals are to be made to the Council of the *Indies*, that so at length his Catholick Majesty may be sole Judge Conservator.

14. The Viceroy, &c. are not to lay an Embargo, or detain, for the Use of the War, any of the Company's Ships, but shall furnish them with what Necessaries they want at the common Prices, on pain of being accountable, and making satisfaction to them out of their own Pockets for what Damages may accrue to the Company by detaining their Ships.

15. The Viceroy shall not arrest, seize, or take possession of any of the Company's Effects, on pain of Punishment, and making Satisfaction for the Damages.

16. The Company and their *Indian* Factors, may take into their Service such Mariners, Assistants, and Officers, for lading and unlading, as they have occasion, on such Salaries as they can agree for.

17. The Company may lade their Returns on board the Flota or Galleons, agreeing with the Captains, or in their own Ships, if they think fit; and the *Spanish* Men of War are to have Orders to admit them under their Convoy.

18. After the 1st of *May* 1702. neither the *Portugal* Company, or any other Person, shall import any Negro Slaves, on pain of confiscation to the Company, they paying the Duties for the same.

19. The Company, their Factors, or others authoriz'd by them only, to import Negro's into the Ports of the *Indies*; all others, both Subjects and Foreigners, being prohibited: for the performance of which his Catholick Majesty obliges his Faith and Word.

20. If any Accident happen to disturb the Trade and Concerns of the Company, or any Suit be commenc'd, his Catholick Majesty is to have the only cognizance of it.

21. The Company's Ships, as soon as they arrive in the Ports of the *Indies*, are to prove their Health; without which the Royal Officers are not to permit them to enter.

22. This Article is made void. It was to prevent Frauds by the Company, on pain of Death, to those concern'd, if the Value of the contraband Goods amounted to 100 Pieces; but if under, the Sellers and Buyers were to be apprehended and fin'd, and the Value recover'd of the Captain; but neither the Ships nor Negro's confiscated in any case.

23. The Ships to be unladen for the Subst-
ance of the Negro's, are to pay no Customs of Export or Import; but they are to pay what is establish'd for the Ships they buy and fit out from those Ports.

24. That Customs be paid for the Negro's landed, and that die before they are sold, without any Objection.

25. That when some of the Negro's are sold in any Port, they may go to another, receiving the Value in Ryals, Bars, and Wedges of Gold, without Customs; but if sold

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fold for the Produce of the Country, the Company to pay the establish'd Customs.

26. The Ships us'd in this Trade may sail from the Ports of *France* and *Spain* as they please, giving notice thereof first to his Catholick Majesty; and may bring returns, for the Produce of the Negroes, in Silver, Gold, and the Produce of the Country to the Ports of *France* or *Spain* at Option; but if to the latter shall report to his Majesty's Ministers, and bring nothing but what's purchas'd by produce of the Negroes, or any thing upon Commission or Consignment from particular Persons in that Kingdom on pain of Confiscation.

27. If any of the Company's Ships of War, belonging to either Nation, take Enemies Ships, Pirates, or Privateers, with Negroes on board, they may sell the same to the number contracted for; but no Goods, Merchandize, or Effects for these must be carry'd to *Carthagena* and *Puerto Velo*, deliver'd to the Royal Officers, inventory'd, and put into the Warehouse to be sold at the Fair of *Spain* in the said Ports, $\frac{1}{4}$ of the proceeds to be paid to the Royal Treasury, the other $\frac{3}{4}$ to the Company, and the Vessels with their Tackle, &c. shall be the Captors.

28. This Contract being principally design'd for the advantage of their Catholick and most Christian Majesties, both of them are interested $\frac{1}{2}$ in the Agreement, and each of them in $\frac{1}{4}$ of 4 Millions of Livers of *French*, amounting to 1 Million 366000 $\frac{1}{2}$ Crowns of Gold: And if his Catholick Majesty will not

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advance his ¹, the Company is to do it for him for a Premium of 8 *per cent. per ann.* and if the Company instead of Gainers happen to be Losers, his Catholick Majesty shall make good his proportion in such manner as shall least affect his Royal Revenue.

29. At the end of the first 5 Years the Company shall make up an account of the Gain sworn to, settled and examin'd, and adjusted by the King of *France's* Officers, whereby it may appear what belongs to his Catholick Majesty, which shall be paid by the Company.

30. If the Gain of the first 5 Years exceed one Million of *Livers French*, and the Interest of 8 *per Cent.* to be advanc'd by the Company for his Catholick Majesty, the Company first to reimburse themselves what they so advance with the Interest; and further, shall pay the annual Duties of Importation; and for the 5 last Years all the Gain shall remain.

31. Whereas 'tis said in the third Article, that the 200000 Pieces to be advanc'd as aforesaid, are to be deducted in the two last Years of the Agreement; 'tis hereby declar'd, that if in the Gains of the first 5 Years there be enough to satisfy the said Sum over and above the said one Million, and Interest, the Company may chuse either to retain or pay the same in whole or in part, that so the Duties and Gains of the said five last Years may remain free to his Catholick Majesty; but if no such Gains shall accrue, the said Article to remain in force.

32. When this Agreement determines, the Com-

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Company shall have 3 Years to settle and adjust their Concerns in *India*, and to give a final Account to his Catholick Majesty; during which 3 Years the said Company and their Agents shall enjoy the Privileges hereby granted, for the free Discharge of their Vessels in the Ports of *America*, and for the withdrawing their Effects.

33. The Company's Debtors shall be compellable to make payment in such manner, as if they were indebted to his Catholick Majesty.

34. And for the performance of the Premises, his Catholick Majesty dispenses with all Laws, Statutes and Customs contrary to this Agreement, during the 10 Years the same is to be in force, and for the 3 Years afterwards granted for getting in their Effects. His Majesty granting to the Company and their Officers, and confirming by this present Agreement, all the Privileges therein contain'd; and pursuant thereunto the Company oblige themselves to the performance of the Premises by means of Monsieur *du Casse*, for himself, and in the Name of the said Royal Company of *Guinea* by virtue of a Power by him produc'd. Granted at *Paris* the 23d of *July*, and to produce the Ratification of this Agreement within the time limited; done at *Madrid* the 27th of *August*, 1701.

This, Sir, is a faithful Account of the *Assiento*, upon which I beg leave to make some Remarks.

1. We must pay down in four Months time 600000 Livres, or near	500000
2. For the King of Spain's $\frac{1}{2}$ of the Stock 1000000 Livres, or about	833333
3. For Customs annually 135000 Crowns, or about	33755
Total	177088

Besides the Charge of Shipping, Victualling, Sailors Wages, Stock to purchase Negroes, and victualling the Negroes till sold, and Loss of 'em by Death, or for want of Purchasers.

On this Head I shall hint to you what I have been inform'd of from very good hands; That both our Merchants and the *Dutch*, who formerly traded in Negroes to the *West-Indies*, found themselves several times very great Losers: for when they brought them to the *Spanish* Harbours, the *Spaniards*, in order to fall the Price, would bid for none but such as they pleas'd; and after examining every Limb, and the State of their Health, so that the Slave-Merchants had most of them return'd upon their hands, besides the extravagant Prices which the *Spaniards* made them pay for fresh Provisions, that were necessary to keep the Negroes in health, or for their Recovery when sick; so that several of those Traders were broke by it.

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The *English* at *Jamaica* were such Suffer-
 ers this way, that they forbore carrying a-
 ny more Negroes to the *Spanish West-Indies*
 in considerable Numbers at least, till Don
St. Jago del Castillo, being in *London*, made a
 Treaty for that Trade betwixt *Jamaica* and
 the *Spanish West-Indies* for Negroes, and was
 appointed by the King of *Spain* to be Com-
 missary-General at *Jamaica* for that end,
 where he was known by the Name of Sir
James Castile; King *William* having ho-
 nour'd him with the Title of Knighthood.
 By Sir *James's* being there the Trade was
 made easy to our Merchants, and by conse-
 quence the Profit greater; and this we en-
 joy'd till the Duke of *Anjou's* Accession to
 the Crown of *Spain*, and our War with him:
 so that the granting of this is no new Favour,
 but the restoring us to what we formerly
 enjoy'd. And I wish it does not proceed
 more from the *French* being Losers by it,
 than from any good-will to us, that they so
 readily part with it; for if it were other-
 wise, I am apt to think they would have been
 for retaining part of it at least, as they are
 for retaining the Liberty of Fishing and Cu-
 ring in *Newfoundland*. I am the more apt to
 think so, if it be true, as I am inform'd, that
 one of the Masters of our *Jamaica* Sloops
 has at present all that Trade in his own
 Management; which if so, is an Argument
 that 'tis not so considerable as some People
 pretend it to be.

Besides, I don't understand the *French*
 King's Proposal, that we shall have the *Assi-*
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ento in the same manner as the *French* have enjoy'd it for 10 Years past. In my Opinion 'tis a great deal too ambiguous; for the *French* King, by the 28th Article, is interested $\frac{1}{4}$ in the Agreement, and $\frac{1}{4}$ in the 4 Millions of Livres: so that with me it remains a doubt, whether we are to have his part, or only that of the *French* Guinea Company; therefore I hope this will be better explain'd.

There are other Hardships which this *Assiento* lays the *French* Company under, that give me some Cause to suspect they have been Losers by the Trade, and therefore do willingly quit it.

1. That by the 2d Article each Negro was to be of the *Regular Measure of those Provinces*. This I take to include their Size, Age, Strength and Health, and therefore is so liable to Chicanes, that after we import Negroes, most of 'em may be return'd upon our hands, except it be provided against, as in the Case of our *Jamaica* Traders, when Sir *James Castile* was appointed Commissary there for the King of *Spain*; but I find no such Provision made for the *French* Guinea Company, therefore I think this ought to be explain'd.

2. I conceive that the 6th and 7th Articles are Hardships upon those who import Negroes, since they are oblig'd to pay Customs for the whole Numbers there mention'd, tho they dont or can't import them. And the 24th Article seems yet harder, that they must pay for such as die before they are sold, considering what Numbers may happen
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to die, if the Voyage be long, or the Season sickly.

3. The 8th Article, in my Opinion, ought to be made void, otherwise it will be dishonourable, and may be dangerous to our Protestant Traders, if they be oblig'd to sail their Ships with none but Papists; and this we see was the Case of the *French*, whose Contract, according to the Proposals, must be the Rule of ours.

4. I take the 9th Article to be another Hardship, and lays us open to be trick'd by those call'd the Royal Officers, who may absent themselves from the Ports we trade to on purpose, and by that means prevent our landing Negroes, be they ever so sickly, or tho we be forc'd to it by Tempest, Enemy or leaky Ships. This I think ought to be provided against, otherwise we may be oblig'd either to bribe those Officers for their Search and Certificate, or to sell our Negroes at what rate the *Spaniards* shall please.

5. The 10th Article, which restrains us to two Ships, and such a number of Negroes, seems to be very hard, considering the advantageous Situation of *Buenos Ayres*, by which we might supply not only *Tucuman* and *Paraguay*, but *Chili* and *Peru*, and especially the Mines of *Potosi* with Slaves far more conveniently, and with less Charge and Danger, than by a long Voyage to the *South-Sea*.

6. The 11th and 12th Articles bear very hard upon us, and are calculated expressly to prohibit all other Trade but that of Negroes,

groes, and will hinder such useful Discoveries as we might make for enlarging our Commerce, however advantageous it might be to the *Spaniards* as well as to our selves. This I take to be an effectual Bar to the Settlement and Commerce of our *South-Sea* Company, from which we have reason to expect such mighty Advantages. And I am the more convinc'd of this by *K. Philips's* Declaration, lately publish'd in our Prints, that we are not to have one Foot of his Dominions in the *West-Indies*, which I take to be a very indifferent Compensation for the Favour we have shew'd to the House of *Bourbon* in their present Circumstances, when the other Confederates are for recovering the whole *Spanish* Monarchy out of their hands.

7. The 13th and 20th Articles, which make the King of *Spain* sole Judg Conservator, and give him the final determination of all Controversies and Suits that may happen betwixt the Company and his Subjects, or indeed betwixt the Company and himself, is in my Opinion very discouraging; since by this means our *British* Subjects must venture their Estates under an arbitrary Power Abroad, against which they have such good Securities at Home. I am sure that if such a Power were allow'd to our own Crown, the Courts at *Westminster-Hall*, and the *Exchange* of *London* would soon be shut up: Therefore I see no reason why our Merchants should submit their Estates to a foreign arbitrary Power, that takes a liberty to dispense with and annul the Laws made in favour of their

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own Subjects, as is plain from several of the Articles; especially since 'tis contrary to the Custom of all Trading Countries, where Merchants have Consuls or Conservators of their own, to see that they have Justice done them according to the Laws of Nations, and the respective Treaties of Commerce.

8. The 25th and 28th Articles I take to be of the same stamp; the first obliges us to pay double Customs, *viz.* both for our Negroes which we import, and for the Product of the Country, that we may have occasion to take in exchange for them the latter, I think very hard, because 'tis contrary to the Interest of the *Spanish* Subjects as well as to ours, and must needs hinder the Consumption of their Product. Then for the 28th Article, I take it to be very discouraging to the Merchants, and makes the Recovery of their Losses impracticable; since it constitutes the King of *Spain* Supreme Judge in the Case, and to be sure he will always favour his own Revenue.

Thus, Sir, I have given you my Thoughts very freely as to the particular Proposals made us by *France*, with relation to our Plantations in *North America*, the Trade to *Newfoundland*, the *Affiento*, and our Trade to *Spain* and the *West-Indies*. I am very willing to submit what I have said to the Judgment of your self and other Merchants, and shall be very glad if any thing I have hinted may be of use to our Traders, for putting them on their Guard, or assisting them in

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